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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Combating defamation of religions

Report of the Secretary-General

Summary

The present report is submitted in accordance with General Assembly resolution 65/224 and focuses on the implementation of the resolution, including the correlation between defamation of religions and the intersection of religion and race, the upsurge in incitement, intolerance and hatred in many parts of the world and steps taken by States to combat this phenomenon.

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I. Introduction

1. The General Assembly, in its resolution 65/224, was

> deeply alarmed at the rising trends towards discrimination based on religion or belief, including in some national policies, laws and administrative measures that stigmatize groups of people belonging to certain religions and beliefs under a variety of pretexts relating to security and irregular immigration, thereby legitimizing discrimination against them and consequently impairing their enjoyment of the right to freedom of thought, conscience and religion and impeding their ability to observe, practise and manifest their religion freely and without fear of coercion, violence or reprisal, and, in this context, emphasizing the importance of article 27 of the International Covenant on Civil and Political Rights.

2. It noted

> with deep concern the serious instances of intolerance, discrimination and acts of violence based on religion or belief, intimidation and coercion motivated by extremism, religious or otherwise, occurring in many parts of the world, including cases motivated by Islamophobia, Judeophobia and Christianophobia, in addition to the negative projection of certain religions in the media and the introduction and enforcement of laws and administrative measures that specifically discriminate against and target persons with certain ethnic and religious backgrounds, particularly Muslim minorities, and that threaten to impede their full enjoyment of human rights and fundamental freedoms.

3. It also noted with concern that "vilification of religions, and incitement to religious hatred in general, could lead to social disharmony and violations of human rights", and was alarmed "at the inaction of some States to combat this burgeoning trend and the resulting discriminatory practices against adherents of certain religions".

4. The General Assembly called upon all States "to adopt necessary measures, including by adopting legislation, according to their international obligations, to prohibit the advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence". It also invited all States "to put into practice the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief", and urged all States to provide "within their respective legal and constitutional systems, adequate protection against acts of hatred, discrimination, intimidation and coercion resulting from vilification of religions, and incitement to religious hatred in general".

5. In addition, the General Assembly in the same resolution, which was adopted by a vote of 79 to 67, with 40 abstentions, also urged all States "to take all possible measures to promote tolerance and respect for all religions and beliefs and the understanding of their value systems and to complement legal systems with intellectual and moral strategies to combat religious hatred and intolerance".

6. In paragraph 28 of the resolution, the General Assembly requested the Secretary-General to submit a report to it at its sixty-sixth session on the implementation of the resolution, "including the correlation between defamation of religions and the intersection of religion and race, the upsurge in incitement,

intolerance and hatred in many parts of the world and steps taken by States to combat this phenomenon". The present report is submitted pursuant to that request.

7. Notes verbales were sent to Member States with an invitation to submit contributions by 30 May 2011. The present report contains information received from States on the implementation of the resolution as well as relevant information on measures and activities of the United Nations system. Information was also received from observers, national human rights institutions and non-governmental organizations and is available for consultation at the Office of the United Nations High Commissioner for Human Rights.[1] As requested in the resolution, the correlation between defamation of religions and the intersection of religion and race is also addressed below.

8. Attention is also drawn to resolution 16/18 adopted by the Human Rights Council on 24 March 2011, entitled "Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief", by consensus. In that resolution the Council considered intolerance, discrimination and violence on the basis of religion or belief in a wider framework of the open public debate of ideas as well as intercultural and interfaith dialogue at the local, national and international levels and called upon Member States to address the phenomena through a number of actions and measures.

9. In the resolution the Human Rights Council proposed measures to counter intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against persons based on religion or belief, including awareness-raising; promoting education; encouraging intercultural and interfaith dialogue; drawing up and implementing policies; taking administrative action aimed at combating intolerance and discrimination; and taking legislative measures targeted at deterring and punishing discriminatory and violent acts against individuals and property on the basis of religion or belief. In paragraph 9 of resolution 16/18 the Council also called for strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs, and decided to convene a panel discussion on this issue at its seventeenth session. A panel met during the seventeenth session of the Human Rights Council, as reported below (see sect. IV).

II. Information received from Member States

Afghanistan

[Original: English]

10. Afghanistan reported that article 2 of the Constitution of the Republic of Afghanistan reiterates that "the sacred religion of Islam is the religion of the Islamic Republic of Afghanistan. Followers of other faiths shall be free within the bounds of law in the exercise and performance of their religious rituals". In addition, it noted that article 347 of the Afghan Penal Code provides for a sentence of imprisonment

[1] The original texts of the contributions are available for consultation in the files of the Secretariat.

and/or cash fines where persons who forcibly stop the conduct of religious rituals, and persons who destroy or damage permitted places of worship where religious rituals are conducted, or who destroy or damage any sign or symbol of any religion.

Azerbaijan

[Original: English]

11. Azerbaijan noted that as a sponsor of the text adopted as General Assembly resolution 65/224, it was very committed to its provisions, paying great attention to religious tolerance, interreligious dialogue and the promotion of best examples in this field. In 2010, it hosted in the capital, Baku, the World Summit of Religious Leaders.

12. Azerbaijan recalled the Baku Process for the promotion of intercultural dialogue, noting that the Government of Azerbaijan in cooperation with the Council of Europe, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Islamic, Educational, Scientific and Cultural Organization (ISESCO), the United Nations Alliance of Civilizations and the Heydar Aliyev Foundation had created a constructive network of international organizations in order to foster a dialogue among cultures. Most recently, in the framework of the Baku Process, the World Forum on Intercultural Dialogue had taken place in Baku from 7 to 9 April 2011. Over 400 diverse participants from around the world attended the Forum (further information is available at www.bakuforum-icd.az).

13. On 4 February 2011, the State Committee for Work with Religious Organizations in cooperation with the Ministry of Culture and Tourism organized a round table — interconfessional harmony in building civil society: dialogue and peaceful coexistence. The State Committee also periodically organizes seminars on religious and cultural diversity, including interreligious dialogue for the awareness-raising of the population in various regions, schools and prisons in Azerbaijan. A journal of State and Religion and a newspaper *Society and Religion* are also regularly published for this purpose. An intercultural dialogue on European Union-Azerbaijan relations was held at the European Parliament on 17 March 2011. Participants included members of the European Parliament, media, and public officials, as well as religious officials from different faiths and confessions.

14. In accordance with amendments to the Law on Freedom of Religious Faith, promotion of a religious faith for the purpose of racial, national, religious or social hostility and animosity is prohibited. It noted that the Penal Code has special provisions concerning laws on advertising and mass media, acts of genocide, persecution, defamation, "prevention from performing religious rites", and "non-ethic advertising".

Brazil

[Original: English]

15. Brazil reported that its Federal Constitution guarantees freedom of expression in many of its articles, including: article 5, paragraph IV (freedom of expression of thought); article 5, paragraph VI (freedom of religion and belief); article 5, paragraph VIII (freedom of expression and political philosophy). However, the right to freedom of expression is not absolute and constraints on its exercise are set out in the constitutional texts.

16. The guarantee of religious freedom is covered in article 5, paragraph VI of the Constitution and is contemplated by other public policy documents such as the third National Programme on Human Rights, which sets parameters on human rights that must be observed by many local government areas. It is recommended that federal States establish bodies to promote debate and coexistence between scholars and adherents of different religions and government agencies and civil society are also expected to undertake campaigns to promote respect for religious diversity to spread the culture of peace and respect for different beliefs.

17. Law No 7.716/1989, known as Lei Caó, defines discrimination against persons or groups by means of race, colour, ethnicity, religion, origin or national provenance as a crime. Article 208 of the Brazilian Criminal Code also devotes special attention to protection of religious expressions and manifestations. It provides that for mocking someone publicly for reasons of belief or religious function; preventing or disrupting the ceremony or practice of religious worship; vilifying publicly an act or object of worship the penalty is detention from one month to one year or fine. There is also a paragraph which provides that "If there is use of violence, the penalty is increased by one third, without prejudice to the corresponding violence."

18. Brazil provided information about the correlation between defamation of religions and the intersection of religion and race noting an emblematic decision in Brazilian jurisprudence on the correlation between religion and race. It stated that the 2003 Supreme Court judgment in the *Ellwanger case* ruled on the apparent conflict between the exercise of freedom of expression and the prohibition of racist manifestations. The country's highest court held that article 5, paragraph XLII, of the Federal Constitution covered discrimination against a person for religious reasons and was not limited to race. The Court concluded that this constitutional provision should be interpreted broadly, and not solely in reference to African descent, which represents a milestone in human rights jurisprudence in Brazil.

19. Brazil noted that religions per se are not subject to specific protection as the Brazilian Government is secular. Thus, in order to promote a culture of tolerance, the Human Rights Secretariat of the Presidency of the Republic acts as a catalyst for public policies to combat religious discrimination, supporting the holding of public events and seminars, in partnership with government agencies, civil society and religious segments to promote the culture of peace and diversity which characterizes Brazilian society.

20. Brazil faces challenges concerning interreligious dialogue and the promotion of tolerance and indicated that cases of religious intolerance have been reported against religious communities of African origin, often related to the legacy of slavery and racism. The Government is in the process of mapping those communities which follow religions of African origin throughout Brazil, as well as efforts initiated to ensure the implementation of Law 10.639 of 2003, which provides for the inclusion of African history and culture and the African-Brazilian people in the school curriculum. On 27 December 2007, Law 11.635 was signed, establishing the date of 21 January as the National Day against Religious Intolerance.

Colombia

[Original: Spanish]

21. Colombia reported that article 13 of the Constitution provides for non-discrimination on the grounds of gender, race, national or family origin, language, religion, political opinion and philosophy and that the State will provide constitutional implementation for those rights to be realized. Article 19 guarantees freedom of religion on an individual and collective basis. It also provides that churches and religions are equal before the law. The State Law (Ley Estatutaria) 133 of 1994 implemented those constitutional principles through the recognition of the legal personalities of religions and faiths.

22. Colombia stated that there were over 3,000 religious entities in the country and that in August 2009, a Consultative Interreligious Committee on affairs related to religion, conscience and worship was created, whose main role is to study and recommend solutions on matters referred to it for advice by the Ministry of the Interior.

23. Colombia reported that the relevant government entity, the Ministry of the Interior and Justice is comprised of three organs: Directorate of Human Rights; Directorate of Indigenous, Minority and Roma Affairs, and the Directorate of the Black Community, Afro-Colombian, Raizal and Palenqueras Affairs. The Government added that it is working on a legal initiative to protect the cultural identity of Afro-Colombian, Raizal and Palenquera communities.

Ecuador

[Original: Spanish]

24. Ecuador stated that article 1 of its Constitution provided that Ecuador is a "constitutional State of rights and justice, social, democratic, sovereign, independent, unitary, intercultural, plurinational and secular", and that its main public policies are aimed at means and a legislative framework allowing freedom of expression and opinion and freedom of culture and religion. It noted that the Constitution as well as the domestic law on religion (Ley de Cultos) provided that political activism cannot be exercised in public religious meetings and vilification of other religions may lead to the suspension of the religious entity in question.

25. A system of academic meetings to channel the process of dialogue of the historical relations between and among religious entities and the State would be discussed. It noted that it was planning an early warning system to detect possible violations to freedoms by cults coordinated by State agencies, the Office of the Prosecutor, representatives of religious entities, and the Ministry of Justice, Human Rights and Culture.

26. Ecuador is also working on an outreach campaign to disseminate information about the right to freedom of cults and the State is planning to conduct training and capacity-building of public officials to foster a culture of tolerance and peace, in order to eradicate any possible situation of intolerance and defamation.

Grenada

[Original: English]

27. Grenada reported that article 9 of the Constitution of Grenada guarantees freedom of thought and of religion; freedom to change religion or belief; and freedom, either alone or in community with others, and both in public and in private, to manifest and propagate religion or belief in worship, teaching, practice and observance. The Constitution further safeguards against the promulgation of laws contrary to the spirit of article 9; however, it identifies instances in which reasonable action may be required: in the interests of defence, public safety, public order, public morality or public health; or, for the purpose of protecting the rights and freedoms of other persons, including the right to observe and practise any religion without the unsolicited intervention of members of any other religion.

28. Grenada reported that it adheres to those democratic principles which create the order requisite for its citizens to lead full and participatory lives and firmly believes in the object and purpose of the Universal Declaration of Human Rights, and agrees that vilification of religions is unacceptable and jeopardizes world peace.

29. Grenada observes that discrimination on the grounds of religion or belief, although not the only contributor to the upsurge in incitement, intolerance and hatred in many parts of the world, is a significant determinant and therefore it is against all discrimination against all religions and strongly condemns such when it is endorsed by a State. Expressions in the media and wider society need to be condemned for their role in institutionalizing hatred and intolerance.

30. Grenada believes that education plays an invaluable role in eradicating discrimination on the grounds of religion or belief and reported that the inclusion of conflict resolution and anger management programmes in schools, as well as the promotion of tolerance at all educational levels are measures taken by the Government of Grenada to ensure that its society remains tolerant and inclusive.

Guatemala

[Original: Spanish]

31. Guatemala provided information that articles 36 and 37 of the Political Constitution of Guatemala provides for freedom of religious expression to all religions and religious entities and the free exercise of the right to freedom of religion and belief subject only to public order and any impositions on the dignity of the adherents of other beliefs. Article 57 recognizes the right of individuals and communities to freely participate in cultural life. Churches, cults and religious entities have legal personality in Guatemala.

32. Discrimination on several grounds including gender, race, and religion is a crime pursuant to the amendment to the criminal code (Decreto Legislativo 57-2002). Discrimination can also be an aggravating factor in a crime, increasing the penalty by one third in the following cases: (a) where the crime is committed on the grounds of language, cult or ethnicity; (b) where public incitement or any other public dissemination is involved; (c) in the exercise by a public official of his public duties; and (d) in the case of a private person operating in an official capacity.

33. Guatemala reported that a project (Ley de Lugares Sagrados) has been initiated to guarantee the spiritual rights of indigenous peoples through the preservation and

conservation of sacred places. The Presidential Commission on Discrimination and Racism against Indigenous Peoples in Guatemala is drawing up a communications strategy to eliminate discriminatory practices; establishing a monitoring system for media, and fostering dialogue among cultures to reduce stereotypes and discrimination on religious and ethnic grounds. There is a long-term cultural development plan under way to sensitize the population about indigenous spirituality and culture as well as different cultural expressions through awareness-raising campaigns, workshops for non-governmental organizations and government, and primary school education. Guatemala noted that it was challenged by the fact that public policies had yet to fully permeate society.

Iraq

[Original: Arabic]

34. Iraq reports that the rights of minorities are protected in article 2 of the Iraqi Constitution, which recognizes the Islamic identity of most Iraqis and religious rights, including the right to freedom of belief and to freedom of worship, of other faith groups in the country. Article 14 states that all Iraqis are equal before the law without any discrimination based on creed, opinion or any other factor and article 43 recognizes the right of all faith groups to perform religious rites and to manage religious endowments and their own religious institutions. The State is required to guarantee freedom of worship and protect places of worship.

35. The Criminal Code prescribes a term of up to three years' imprisonment or a fine for publicly attacking a follower of a faith or vilifying a religious ritual. It also prohibits, inter alia, the deliberate disruption of a religious service or gathering, the distortion or ridiculing of acts, precepts, teachings, deities, rites, symbols or a person revered by a faith group. Sacred sites are protected and new land is being provided for the construction of houses of worship and cultural centres for minorities.

36. A conference on coexistence and tolerance was held in Iraq and widely attended. The aim was to send a message about the importance of peace and harmony among all faiths in Iraq. Efforts to implement the recommendations arising out of the conference are being overseen by the Cabinet, the Parliament and all relevant ministries.

37. Iraq reported that workshops are held to train teachers from schools where there are students from minorities about how to disseminate a culture of tolerance and that school curricula have been modified to include material on respect for religions and minorities in the subjects of religious education and history. The media and publications are used to raise awareness of the importance of tolerance.

Kyrgyzstan

[Original: Russian]

38. Kyrgyzstan reported that structural changes have been implemented in the system of religious entities in recent years in the Kyrgyz Republic. A Muslim clergy was established in the country, including regional branches.

39. The Law on Freedom of Religion and Religious Organizations, adopted on 16 December 1991, was the first legislative measure stipulating the right to freedom

of religion and a simple procedure to establish a religious entity was set. The law was amended several times.

40. In March 1996, in accordance with the Presidential Decree, the State Commission on Religious Affairs was established. In November 1996 several temporary provisions were put in place: the Temporary Provision for Registration of Religious Organizations, the Temporary Provision for Registration of Missions of Foreign Religious Organizations and of Foreign Citizens in the Kyrgyz Republic for the Purpose of Carrying on Religious Activity and the Temporary Provision on Religious Education.

41. Kyrgyzstan noted the importance of dialogue among different religious communities and tolerance and that it is essential to teach tolerance in schools, colleges and universities. For this purpose, the educational curriculum should be changed.

Mauritius

[Original: English]

42. The Republic of Mauritius reported that article 11 of the Constitution, entitled "Protection of freedom of conscience", provides that "except with his own consent, no person shall be hindered in the enjoyment of his freedom of conscience, and for the purposes of this section, that freedom, either alone or in community with others both in public and in private, to manifest and propagate his religion or belief in worship, teaching, practice and observance". Article 16 of the Constitution of Mauritius makes provision for protection from discrimination.

43. Article 3 of the Constitution specifies that there have existed and shall continue to exist in Mauritius without discrimination a number of human rights and fundamental freedoms, among which is freedom of conscience.

44. Mauritius stated that the Criminal Code equally makes provisions for the protection of freedom of conscience and identified a number of relevant sections, inter alia: interference with freedom of conscience (section 183); disturbing religious ceremony (section 184); outrage on religious worship (section 185); assaulting and outraging a minister of religion (section 186); and stirring up racial hatred (section 282).

Morocco

[Original: Arabic]

45. Morocco reported that in keeping with the Constitution, it takes steps to promote human rights and eliminate discrimination, religious hatred and intolerance. For example, article 6 of the Constitution recognizes freedom of worship and requires the State to guarantee that freedom. The Criminal Code makes it an offence to use force or threats to compel or prevent a person or group from performing an act of worship or attending a religious service. It is also illegal to disrupt a religious ceremony (art. 221) or to deliberately damage or destroy a house of worship (art. 223). The Criminal Code defines any form of discrimination between natural persons (art. 431-1) and any discrimination based on religious identity (art. 431-1 bis) as a punishable offence.

46. The Political Parties Act No. 36.04 prohibits the establishment of political parties on the basis of religious, linguistic, ethnic or regional identity or any form of discrimination or violation of human rights. The Nationality Act does not impose any conditions concerning religious identity on those applying for Moroccan citizenship.

47. Morocco has established programmes to promote tolerance and coexistence and to curb religious intolerance. Literacy programmes are used to expose students to other cultures and to spread a culture of tolerance. Intensive awareness and outreach campaigns are undertaken. The State has established a supreme council of Islamic scholars, in which women participate, with branches throughout the regions, to provide spiritual guidance and organize religious life in such a way as to promote a tolerant and moderate form of the Islamic faith.

48. Morocco has also hosted numerous events on interfaith tolerance and dialogue, including a meeting of a Jewish standing committee that was formed following the First World Congress of Imams and Rabbis for Peace and that hosts an annual festival of the spiritual music of different faiths.

Oman

[Original: Arabic]

49. The Government of Oman reported that ensuring respect for religions, cultures, freedom of belief and religious diversity is a key priority for the Government. This stems from a belief in the role of religions in the maintenance of security and peace, in the importance of coexistence, and in the need to spread a culture of tolerance. The frame of reference is provided by the general principles expounded by the religion of Islam.

50. The efforts of the Ministry of Endowments and Religious Affairs to promote respect for religions and to curb vilification of religions and acts of hatred and intolerance are guided by the regulations and laws in effect in Oman, primarily through article 10 of the Basic Law issued in Royal Decree No. 96/101 of 6 November 1996. In article 28 the freedom to perform religious rites in accordance with established customs is guaranteed. In addition to legislation ensuring respect for religions, combating vilification of religions and curbing acts of hatred and intolerance, measures have been taken in the context of education, information and international initiatives.

51. The Ministry of Endowments and Religious Affairs has issued a specific circular on "Tolerance" and will be issuing a new circular, entitled "Mutual understanding", which seeks to develop understanding among peoples and civilizations through in-depth articles and comprehensive strategic research initiatives. The Institute of Shariah Sciences, run by the Ministry, provides religious officials in Oman with a grounding in the precepts of tolerance and moderation, and its curricula contain material which highlights the importance of respect for all religions and cultures and the need to strengthen ties between people. The Institute offers a full course on human rights and offers instruction in languages other than Arabic. The Ministry also runs an annual exchange visits programme, through which students, officials and visitors from various parts of the world are received in Oman, in order to strengthen communication and dialogue among peoples and religions. It

organizes international seminars and conferences in Oman and participates actively in the same abroad.

52. The Government uses the media to raise awareness about the importance of coexistence and mutual respect and to promote harmony and cohesion among all followers of different faiths and support is provided for information projects designed to foster dialogue and understanding among civilizations. Film documentaries, media programmes and educational materials are produced to raise awareness and promote the values of respect, coexistence and religious tolerance.

Pakistan

[Original: English]

53. Pakistan is committed to the implementation of General Assembly resolution 65/224, stating that there is a need to create and maintain the fine balance between freedom of expression, respect for religions and hate speech and submitted that it is well established by existing jurisprudence that freedom of expression is not an absolute right and must be exercised with responsibility as stated in articles 19 and 20 of the International Covenant on Civil and Political Rights and article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination.

54. Pakistan viewed with great concern the spiralling trend of Islamophobia and defamation, incitement, prejudice and discrimination against Islam and Muslims in many societies. It noted that it has always called for dialogue among cultures, civilizations and faiths to promote harmony and stability among and within societies and tolerance for cultural, racial, religious and linguistic diversities, adding that strengthening of dialogue, understanding and reconciliation between religions and civilizations should be the top priority of the international community in the context of world peace and development.

55. Pakistan supported international efforts and has itself taken a number of initiatives to promote that objective. It has actively participated in meetings of the United Nations Alliance of Civilizations and the Special Non-Aligned Movement Ministerial Meeting on Interfaith Dialogue and Cooperation for Peace and Development, held in Manila in March 2010, and co-hosted the sixth Asia-Europe Meeting Interfaith Dialogue in Madrid in April 2010. Pakistan noted that it was a sponsor with the Philippines of the text adopted as General Assembly resolution 65/138, on "Promotion of interreligious and intercultural dialogue, understanding and cooperation for peace", adopted by consensus. In that resolution, the General Assembly requested UNESCO to further solicit views of Member States on the possibility of proclaiming a "United Nations decade for interreligious and intercultural dialogue and cooperation for peace".

56. Pakistan also supports strengthening and diversifying the ways and means of addressing the issues of defamation and discrimination based on religion and belief. At the national level, Pakistan reported that it had taken a number of steps to promote interfaith harmony and to combat vilification of religions. The Constitution of Pakistan, under articles 20, 21, 22, 26 and 27, guarantees equal rights and status to all citizens, irrespective of religion, race, caste, colour or creed. Sections 295, 295-A, 296, 297 and 298 of the Pakistan Penal Code are intended to curb vilification of religions.

57. In addition, 124 National Peace Committees for Interfaith Harmony have been constituted at the district level throughout the country to create better understanding between various religious communities. Under the National Cultural Awards scheme set exclusively for minorities, awards, a certificate and cash prize of Rs. 50,000 are granted each year in various fields and the Government recently introduced an additional award in the realm of Interfaith Harmony. The Government has declared 11 August as "Minorities Day" to highlight the role and contribution of minorities. To mainstream minorities and promote interfaith harmony, a number of religious festivals of minorities are celebrated officially in Pakistan.

Qatar

[Original: Arabic]

58. Qatar reports that its society is governed by moral, social, religious and cultural values that promote equality and prohibit discrimination, racism and religious intolerance. These values are inspired by the Islamic faith and reflected in the Constitution and relevant legislation, which, in turn, guarantee freedom of worship and belief. The State is striving to become a model of peaceful coexistence between different faiths and is committed to promoting and strengthening dialogue between different faiths and ensuring respect for religious freedoms.

59. Articles 18 and 50 of the Constitution state that Qatari society is founded, inter alia, on justice, freedom, equality and equal rights, without any discrimination between citizens on grounds of sex, origin, language or religion. The Constitution guarantees freedom of worship for all, and Qatar has ratified the key treaties on the elimination of discrimination.

60. The Qatari Criminal Code (art. 256) punishes religious offences and prescribes a term of up to seven years' imprisonment for denigrating or insulting the deity by any means; making insulting, disparaging or blasphemous remarks about the Koran; making insulting remarks about Islam or an Islamic ritual; defaming any of the revealed religions; insulting the prophet of a religion; or desecrating a place of worship of a revealed religion or any object found in that place. The State signed an agreement in 2005 on the construction of six churches in Qatar; the first Catholic church was inaugurated in March 2008.

61. Qatar hosts various conferences on religious tolerance and organizes the annual US-Muslim World Forum and the Doha Forum for Interfaith Dialogue. The Doha International Center for Interfaith Dialogue seeks to promote dialogue and understanding between faith communities. The Qatari Committee for the Alliance of Civilizations was set up to strengthen the role of the State in conflict resolution, to promote tolerance among peoples and the eradication of extremism and intolerance.

62. Qatar indicated many instances of incitement to hatred across the world, involving acts such as attacks against sacred books, the desecration of religious objects, places of worship and religious rites, and the portrayal of religions and religious laws in a misleading light with a view to inciting others to engage in terrorism or to spreading feelings of hatred and intolerance.

Serbia

[Original: English]

63. Serbia reported that all the measures envisaged in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief are being implemented in full, in cooperation with the United Nations as well as all the churches and religious communities in the Republic of Serbia.

64. Discrimination on the ground of religion is expressly prohibited by article 21, paragraph 3, of the Constitution, which specifies that all direct or indirect discrimination based on any grounds, including, inter alia, religion, shall be prohibited and article 49 stipulates that any incitement to racial, ethnic, religious or other inequality or hatred shall be prohibited and punishable.

65. The Constitution specifically guarantees the right to freedom of expression and protection of "religious specificity" to members of national minorities (article 79), and defines the promotion of a "spirit of tolerance and intercultural dialogue" (article 81) as a specific task of the State. Article 128 of the Criminal Code has a provision prohibiting the denial or restriction of rights guaranteed by the Constitution, laws or other legislation or general acts or ratified international treaties on several grounds, including nationality or ethnicity, race or religion. Under article 131, the prevention or restriction of freedom of religion or practice of a religion shall be punished by fine or imprisonment up to one year. The same penalty shall also be imposed on whoever prevents or hinders another in performing religious services. Article 174 of the Criminal Code stipulates a penalty for "ruining the reputation for racial, religious, ethnic or other affiliation", specifying that whoever publicly ridicules an individual or group of persons on grounds of race, colour, religion, nationality, ethnic origin or other personal characteristic, shall be punished with a fine or imprisonment up to one year. National legislation provides for the respect and protection of religious places, sites, shrines and symbols and is regulated by the Law on Churches and Religious Communities.

66. Serbia added that a number of measures have been taken in the field of culture to promote understanding, appreciation of and respect for diversity arising from specificities of religious groups in Serbia. During the period that Serbia served as the Chair of the Council of Europe, the Ministry of Religion organized in Belgrade a series of European Heritage Days.

67. The Ministry of Religion in cooperation with the Ministry for Human and Minority Rights have also issued several statements condemning all forms of violence and destruction directed against places of worship and religious buildings and structures that belong to any church or religious community, and have demanded that competent authorities investigate all such cases and provide places of worship of all churches and religious communities with additional protection. With regard to the media, efficient measures aimed at fostering mutual respect, understanding and cooperation are based on key legal provisions, and special bodies which are of mixed composition monitor public broadcasters with respect to their adherence to the programme's principles. Religious ceremonies on the occasion of all important religious holidays celebrated by different churches and religious communities are broadcast by the public broadcasting service.

68. Several other initiatives are being undertaken in the fields of education, culture and information, including training courses in human and minority rights and the constitutional system for civil servants and others stakeholders.

III. United Nations Alliance of Civilizations

[Original: English]

69. The United Nations Alliance of Civilizations continues its activities aimed at improving understanding and cooperation among nations and peoples across cultures and religions and, in the process, assisting in countering the forces that fuel polarization and extremism within and among societies.

70. Members of the Alliance of Civilizations are asked to develop national plans and regional strategies for intercultural dialogue and cooperation as strategic long-term policy tools to implement concrete actions mainly in the fields of education, youth, media and migration, seeking notably to promote dialogue and understanding among peoples, cultures, religions and beliefs, and fostering a culture of peace. To date 26 national plans and 2 regional strategies (one for South-East Europe, the other for the Mediterranean area) have been presented. Both regional strategies include actions aimed at promoting a culture of tolerance based on religion and belief.

71. The Alliance of Civilizations has developed a number of tools such as an online learning community on "Education about religions and beliefs". Through its media programmes, it has organized a number of training actions for religious media and has launched a series of articles on "Religion and the Public Space" bringing together over 20 contributions from experts of different professions and regions, which were published in 5 languages and in more than 18 newspapers.

72. Over the last years, the Alliance of Civilizations has developed a platform for informed debates on sensitive issues, such as religious minorities, freedom of religion and belief, and the tensions of religiously pluralistic societies. A number of relevant initiatives were organized on this topic, namely, a seminar on "Religious tolerance, traditional conflict resolution, and Federalism", held in November 2010 in Addis Ababa; the Lisbon Forum, co-organized with the North-South Centre of the Council of Europe, which in 2010 focused on "Freedom of expression, conscience and religion"; and an international seminar entitled "Religious freedom: human rights, social inclusion and political participation: the case of Christian communities", which was held at the European Institute of Florence.

73. For the next two years, the Alliance of Civilizations plans to develop its partnerships within the United Nations system, namely with the Human Rights Council and the Office of the United Nations High Commissioner for Human Rights, in order to mainstream cultural diversity and intercultural dialogue, including interreligious dialogue, as well as a culture of tolerance into human security, peace and development strategies as a way to promote human dignity worldwide.

IV. Office of the United Nations High Commissioner for Human Rights

74. A panel discussion, "Strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs" took place on 14 June 2011 during the seventeenth session of the Human Rights Council. The panel was organized pursuant to Council resolution 16/18, adopted by consensus on 24 March 2011 during the sixteenth session of the Council entitled "Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief". The panel explored ways to enhance international efforts and foster global dialogue for the promotion of a culture of tolerance and peace, based on respect for human rights and diversity of religions and beliefs and was aimed at implementation and practical actions to promote a culture of tolerance and peace at all levels around the world.

75. In her opening statement, the United Nations High Commissioner for Human Rights noted that the Human Rights Council had sent the message that through dialogue and collaboration, States could step up to their obligations and take practical decisive actions to address and eliminate incidents of intolerance, discrimination and violence based on religion or belief. She stated that over the past years, several resolutions adopted by the United Nations had noted that intolerance, including anti-Semitism, Islamophobia and Christianophobia, was on the increase. Those phobias contributed to suspicion and mistrust, often leading to incidents of unequal treatment and violence against members of religious groups. Negative stereotyping in the media or by extremist political parties, coupled with advocacy of religious hatred, continued to be an alarming trend across the globe.

76. The High Commissioner noted that, in studying and addressing those issues, the international community must be guided by the principles of freedom of thought, conscience and religion, and the right to freedom of opinion and expression, which are interdependent and mutually reinforcing. She noted that States must be vigilant and respond immediately and appropriately as it was ultimately the State which bore the primary obligation to protect victims of human rights violations and prevent occurrences of intolerance, discrimination and violence against persons based on their religion or belief.

77. As a follow-up to the expert seminar on articles 19 and 20 of the International Covenant on Civil and Political Rights, held in Geneva on 2 and 3 October 2008, and in the framework of paragraph 134 of the Outcome Document of the Durban Review Conference, the Office of the United Nations High Commissioner for Human Rights organized a series of expert workshops in four regions on the prohibition of incitement to national, racial or religious hatred. The workshops discussed legislation, jurisprudence and national policies in the different regions with a view to deepening the understanding of issues involved and ensuring compliance with the prohibition of incitement to hatred, in full respect of freedom of expression, through action at all levels.

78. The last event for the Americas region will take place in Santiago, Chile, on 12 and 13 October 2011. OHCHR will report on the outcome of the expert workshops and may consider follow-up initiatives.

79. In March 2011, the Office was informed that church members of the Dove World Outreach Center in Gainesville, Florida, burned a copy of the Koran. The incident elicited strong condemnation on the part of the United States Government and religious leaders from different faiths across the world. It also resulted in violent reactions, including the killing of United Nations staff and others in Afghanistan. Both the High Commissioner for Human Rights and the Secretary-General replied to letters from the Organization of the Islamic Conference condemning those acts, which divided peoples and societies, and reaffirming the collective interest of the international community in countering acts of intolerance. The Secretary-General also condemned the incident and said that such actions cannot be condoned by any religion. He also condemned the killing of the United Nations staff in response. In addition, the United Nations Special Rapporteur on freedom of religion or belief and the Special Rapporteur on contemporary forms of racism sent joint communications about those incidents.

V. United Nations human rights treaty bodies

80. On 21 July 2011, during its one hundred and second session, the Human Rights Committee adopted General Comment No. 34 on freedom of opinion and expression, replacing the former General Comment No. 10, which was adopted during its nineteenth session.

81. General Comment No. 34 recognizes that "freedom of opinion and freedom of expression are indispensable conditions for the full development of the person ... they constitute the foundation stone for every free and democratic society". It further recognizes that "freedoms of opinion and expression form a basis for the full enjoyment of a wide range of other human rights".

82. The General Comment also expounded the extent of lawful restrictions that can be imposed on the right to freedom of expression, prescribing that any restrictions to freedom of expression must be compatible with the strict requirements of article 19, paragraph 3, of the International Covenant on Civil and Political Rights. The General Comment also deals with the relationship between articles 19 and 20 of the International Covenant on Civil and Political Rights, prescribing that "a limitation that is justified on the basis of article 20 must also comply with article 19, paragraph 3". On this point, it underscores that "it is only with regard to the specific forms of expression indicated in article 20 that States parties are obliged to have legal prohibitions". In every other case — while the State is not precluded in general terms from having such prohibitions — in which the "State restricts freedom of expression, it is necessary to justify the prohibitions and their provisions in strict conformity with article 19".

83. During the period under review, the Committee on the Elimination of Racial Discrimination referred to the intersectionality between racial and religious discrimination with regard to the defamation of religions, in a number of its concluding observations.

84. At its seventy-seventh session, held in August 2010, the Committee addressed racial discrimination in the forms of hate speech, intolerance, stereotyping and demeaning portrayals of certain communities and minorities, as well as statements of racial discrimination and incitement to hatred by government officials and politicians. It recommended the application by States parties of their existing

criminal legislation, the promotion of national unity and peaceful coexistence among members of various nationalities and religious groups, and the strengthening of institutions against acts of public incitement to ethnic and religious hatred. The Committee recommended to one State party that it take into account intersectionality when adopting and applying such measures.

85. At its seventy-eighth session, held in February and March 2011, the Committee, was concerned about restrictions to the right to freedom of religion against persons belonging to ethnic minorities, namely, discrimination and intimidation against minority groups and non-citizens; persistent registration difficulties faced by some religious groups, in particular Muslims; administrative sanctions against persons belonging to unregistered religious organizations and to non-citizens carrying out religious activities in public places; and identity checks of Muslims outside places of worship, as well as harassment of Muslims by the police.

86. The Committee also addressed anti-Semitic events and hate speech, as well as vandalism of religious sites. To this effect, the Committee called upon concerned States parties to prevent discrimination against persons and religious sites belonging to minorities; to ensure the right of members of registered and unregistered religions to freely exercise their right to freedom of religion or belief in public or in private; to register religious groups wishing to do so; to stop practices of identity checks; to sensitize the public concerning anti-Semitism; and to reinforce efforts to prevent and punish anti-Semitic acts. The Committee also focused its attention on the alleged discrimination regarding the restitution of property to certain religious groups whose assets were confiscated. It urged the State party concerned to ensure equal rights to freedom of religion for all, without preferential treatment.

VI. Special Procedures of the Human Rights Council

87. The Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance presented joint submissions to the series of OHCHR expert workshops on the prohibition of incitement to national, racial or religious hatred.[2] The three Special Rapporteurs noted the positive development of the adoption on 24 March 2011, by the Human Rights Council of resolution 16/18, entitled "Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief".

88. The Special Rapporteurs emphasized the principle that individuals rather than religions per se are rights-holders. Whereas the debate concerning the dissemination of expression which may offend the adherents of religions or faiths has throughout the past 12 years evolved around the notion of "defamation of religions", they welcomed the fact that the debate appeared to be shifting to the concept of "incitement to national, racial or religious hatred". In his thematic report at the sixteenth session of the Human Rights Council,[3] the Special Rapporteur on freedom of religion or belief noted that school education could and should contribute to the

[2] See www2.ohchr.org/english/issues/opinion/articles1920_iccpr/docs/.
[3] A/HRC/16/53.

elimination of negative stereotypes, which often poison the relationship between different communities. He stressed that such negative stereotypes had particularly detrimental effects on minorities and with regard to religious or belief communities. The Special Rapporteur highlighted the importance of eradicating stereotypes and prejudices that constitute the root causes of fear, resentment and hatred in order to prevent violence and human rights abuses.

VII. Conclusion

89. **The contributions received indicate that States are addressing the upsurge in incitement, intolerance and hatred in many parts of the world in various ways. States and national actors are taking measures to combat these phenomena and the majority of these actions are in the constitutional and legislative domain. The principles of equality and non-discrimination as well as freedom of religion and freedom of expression and opinion are provided for at the highest level through constitutional enshrinement. Most States have such provisions on freedom of expression and opinion and freedom of religion and belief, to varying extents. Some States have prohibitions, inter alia, on the vilification and desecration of religious symbols, sites, places of worship, and sacred grounds. In the submissions received, there is often a concurrent criminal regime for the prohibition of actions infringing the freedom of religion and belief at the national level. Where advocacy and incitement to hatred is criminalized, it is often prohibited on several grounds, including racial, national and ethnic or religious.**

90. **States have also enacted at the national level specific laws, regulations and policies with regard to religious holidays, and national days, and recognizing religious diversity, multiculturalism or pluralism as part of the national character.**

91. **A number of other actions and measures have been highlighted in the contributions. The importance of public education in promoting tolerance and understanding in the public education system was noted. The value of ongoing public awareness-raising by the State, national human rights institutions, non-governmental organizations, faith groups and religious organizations, the media and other partners at the national level especially was underlined. The media has a significant role, and some contributions highlighted its use in educating the public about different cultures and religions, in counteracting contentious political discourse and divisive speech, and as a means for disseminating balanced information and portrayals, as well as bringing together groups and adherents of different religions and faiths.**

92. **The international human rights system is also considering and studying ways to address discrimination on the basis of religion and belief while balancing this right with freedom of opinion and expression, in particular. As human rights are interdependent, entities of the international human rights system are working to ensure that they are mutually promoted and protected.**

93. **All contributions show that dialogue is an effective means to promote tolerance and peace at all levels and combat discrimination based on religion and belief. It is recognized that intercultural and interreligious dialogue should be encouraged at the community level within States and at the national level,**

and that it should involve many stakeholders, including women, minority groups and faiths, and religious organizations, civil society, media, and public officials. At the international level, exchanges and dialogues between States was also underscored. Regional initiatives and international organizations such as the United Nations High Commissioner for Human Rights and particularly the Alliance of Civilizations serve as viable forums for continued learning, exchange and the promotion of understanding which can foster the promotion of human rights and peace.